



\*1047628912\*

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

AUTO ADVANTAGE FINANCE, LLC

Plaintiff,

vs.

KIMBERLY AMBUR ROSS and  
ALEXANDER JOSEPH ROSS

Defendants.

CS-2020-05574

No.

KIRSTEN PACE

DISTRICT COURT  
FILED

SEP 21 2020

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTYPETITION

COMES NOW the plaintiff, by and through its undersigned attorneys, and states as follows:

1. EXPRESS CREDIT AUTO OF TULSA and the defendants executed a contract on March 23, 2018 whereby the defendants purchased a 2014 SCION XB ("motor vehicle").
2. The defendants have defaulted in the obligations required under the contract (the last payment on the debt was received on October 11, 2019).
3. The motor vehicle was recovered and sold. After the proceeds of the sale were applied to the indebtedness owed by the defendants, there remains a deficiency balance owed under the contract.
4. The defendants are indebted to plaintiff, as assignee, in the principal amount of \$8,497.49, with interest at the contractual rate of 20.88 % per annum from March 13, 2020 through August 27, 2020 in the amount of \$811.79.

WHEREFORE, Plaintiff prays for judgment against the defendants as follows:

1. The principal amount of \$8,497.49;
2. Prejudgment and post judgment interest at the contractual rate (12 O.S. § 727.1);
3. All costs of this action (12 O.S. § 928);
4. A reasonable attorney fee (12 O.S. § 936); and
5. Such other relief to which plaintiff may be justly entitled.

NOTICE TO CONSUMER

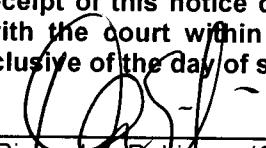
This law firm is a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose. Unless within thirty (30) days after receipt of this notice you dispute the validity of the debt or any portion thereof, this debt will be assumed to be valid by this law firm. If you notify this law firm in writing within the thirty (30) day period that this debt, or any portion thereof, is disputed, this law firm will obtain verification of the debt and a copy of such verification will be mailed to you by this law firm. Upon your written request within the thirty (30) day period, this firm will provide you with the name and address of the original creditor if different from the current creditor.

DON NEWBERRY COURT CLERK  
SEP 21 2020

\*\*\*\*\* ATTORNEY'S LIEN CLAIMED \*\*\*\*\*

RHF # 20-2445

The commencement of this lawsuit has no effect on the rights conveyed in this notice. Your rights as set forth in this notice are neither affected by nor affect your obligation to file a written answer to the attached petition within thirty-five (35) days after service of the summons and petition upon you, exclusive of the day of service. Failure to dispute the validity of the debt or any portion thereof within thirty (30) days after receipt of this notice does not prevent you from disputing this debt by filing a written answer with the court within thirty-five (35) days after service of the summons and petition upon you, exclusive of the day of service.

  
Richard A. Robinson (OBA# 7684)  
Hugh H. Fudge (OBA# 20487)  
Dani L. Schinzing (OBA# 32113)  
Emily R. Remmert (OBA# 22110)  
Sean A. Nelson (OBA# 30194)  
Robinson, Hoover & Fudge, PLLC  
119 N. Robinson Ave., Suite 1000  
Oklahoma City, OK 73102  
(405) 232-6464 | (833) 342-0001 Toll Free  
lawmail@rhfok.com | (405) 232-6363 fax  
Attorneys for Plaintiff

\*\*\*\*\* ATTORNEY'S LIEN CLAIMED \*\*\*\*\*

RHF # 20-2445

\* 1 0 4 8 1 4 2 4 6 3 \*



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA  
TULSA COUNTY COURTHOUSE 500 SOUTH DENVER AVE., TULSA, OK USA

AUTO ADVANTAGE FINANCE, LLC

Plaintiff,  
vs.

KIMBERLY AMBUR ROSS and  
ALEXANDER JOSEPH ROSS

Defendants.

**CS-2020-05574**

No. **KIRSTEN PACE**

\*\*\*\*\*To Be Served by Process Server\*\*\*\*\*

DJ Sixsmith (PSS# 2019-1), Javon Sixsmith (PSS#  
2020-8), Mason Sixsmith (PSS# 2015-6), Hayden  
Sixsmith (PSS# 2020-2), Jim Julian (PSS# 2020-3), John  
McWethy (PPS# 2018-52), Herma McAllister (PSS#  
18-25), Lori Hamilton (PSS# 2018-3)

*✓*  
Authorizing Attorney

**DISTRICT COURT  
FILED**

NOV 23 2020

**SUMMONS**

**TO DEFENDANT: ALEXANDER JOSEPH ROSS**

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the below address within thirty-five (35) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this day 9.21.20.

(seal)

By: J. Sixsmith  
DEPUTY COURT CLERK FOR THE TULSA COUNTY  
DISTRICT COURT CLERK  
Tulsa County Courthouse  
500 South Denver Ave.  
Tulsa, OK 74103

**PLAINTIFF'S ATTORNEYS:**  
Robinson, Hoover & Fudge, PLLC  
119 N. Robinson Ave., Suite 1000  
Oklahoma City, OK 73102  
(405) 232-6464 | (405) 232-6363 fax  
lawmail@rhfok.com

This summons was served on:

(date of service)

This summons could NOT be served

J. Sixsmith  
(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT.  
SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE  
FILED WITHIN THE TIME LIMIT STATED ABOVE.

**RETURN OF NON-SERVICE**

**County of Tulsa**

**State of Oklahoma**

Case Number: CS 20 5574

Plaintiff:  
**AUTO ADVANTAGE FINANCE, LLC**

vs.

Defendant:  
**KIMBERLY AMBUR ROSS and ALEXANDER JOSEPH ROSS**

Received by DJ Sixsmith to be served on **KIMBERLY AND ALEXANDER ROSS, 4074 E 470 RD, PRYOR, OK.**

I, JAVON SIXSMITH, do hereby affirm that on the **5th day of November, 2020** at **1:07 pm**, I:

**NON-SERVED** the **SUMMONS** and **PETITION** for the reason that I failed to find **KIMBERLY AND ALEXANDER ROSS** or any information to allow further search. Read the comments below for further details.

**Additional Information pertaining to this Service:**  
11/5/2020 1:07 pm CURRENT RESIDENT AT THE ADDRESS ABOVE STATED THAT THE DEFENDANTS MOVED OUT OF STATE (SOMEWHERE UP NORTH).

In accordance with 12.0.2. O.S. 426, I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct. I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served. I execute this Return of Service on the date below in Tulsa County, Oklahoma.

  
**JAVON SIXSMITH**  
PSS-2020-8  
11/5/2020  
Date

**DJ Sixsmith**  
PO Box 692063  
Tulsa, OK 74169  
(918) 902-0436

Our Job Serial Number: SIX-2020002000  
Ref: 20-2445



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA  
TULSA COUNTY COURTHOUSE 500 SOUTH DENVER AVE., TULSA, OK USA

AUTO ADVANTAGE FINANCE, LLC

Plaintiff,  
vs.

KIMBERLY AMBUR ROSS and  
ALEXANDER JOSEPH ROSS

Defendants.

**CS-2020-05574**

) No.

**KIRSTEN PACE**

\*\*\*\*\*To Be Served by Process Server\*\*\*\*\*  
DJ Sixsmith (PSS# 2019-1), Javon Sixsmith (PSS#  
2020-8), Mason Sixsmith (PSS# 2015-6), Hayden  
Sixsmith (PPS# 2020-2), Jim Julian (PSS# 2020-3), John  
McWethy (PPS# 2018-52), Herma McAllister (PSS#  
18-26), Lori Hamilton (PSS# 2018-3)

) DSF  
Authorizing Attorney

*DISTRICT COURT*  
NOV 23 2020  
DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

**SUMMONS**

**TO DEFENDANT: KIMBERLY AMBUR ROSS**

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the below address within thirty-five (35) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this day 9/21/20

(seal)

**PLAINTIFF'S ATTORNEYS:**

Robinson, Hoover & Fudge, PLLC  
119 N. Robinson Ave., Suite 1000  
Oklahoma City, OK 73102  
(405) 232-6464 | (405) 232-6363 fax  
lawmail@rhfok.com

By: DEPUTY COURT CLERK FOR THE TULSA COUNTY  
DISTRICT COURT CLERK  
Tulsa County Courthouse  
500 South Denver Ave.  
Tulsa, OK 74103

This summons was served on:

This summons could NOT be served

(date of service)

Javon Sixsmith  
(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT.  
SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE  
FILED WITHIN THE TIME LIMIT STATED ABOVE.

**RETURN OF NON-SERVICE**

**State of Oklahoma**

**County of Tulsa**

Case Number: CS 20 5574

Plaintiff:

**AUTO ADVANTAGE FINANCE, LLC**

vs.

Defendant:

**KIMBERLY AMBUR ROSS and ALEXANDER JOSEPH ROSS**

Received by DJ Sixsmith to be served on **KIMBERLY AND ALEXANDER ROSS, 4074 E 470 RD, PRYOR, OK.**

I, JAVON SIXSMITH, do hereby affirm that on the **5th day of November, 2020** at **1:07 pm**, I:

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11/5/2020 1:07 pm CURRENT RESIDENT AT THE ADDRESS ABOVE STATED THAT THE DEFENDANTS MOVED OUT OF STATE (SOMEWHERE UP NORTH).

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**JAVON SIXSMITH**  
PSS-2020-8

11/5/2020

**Date**

**DJ Sixsmith**  
PO Box 692063  
Tulsa, OK 74169  
(918) 902-0436

Our Job Serial Number: SIX-2020002000  
Ref: 20-2445

1048325058

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

AUTO ADVANTAGE FINANCE, LLC )  
vs. )  
Plaintiff, )  
KIMBERLY AMBUR ROSS and ) No. CS-2020-5574  
ALEXANDER JOSEPH ROSS )  
Defendants. )  
)

DISTRICT COURT  
FILED

DEC - 9 2020

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

NOTICE BY PUBLICATION

Kimberly Ambur Ross and Alexander Joseph Ross you are hereby noticed that you have been sued by Auto Advantage Finance, LLC and you must answer plaintiff's petition on or before the 6th day of February, 2021 or a money judgment in the amount of \$8,497.49 plus interest will be rendered accordingly.

Dated this day

12-9-2020

By: Jeannette  
DEPUTY COURT CLERK FOR TULSA  
COUNTY DISTRICT COURT CLERK

APPROVED BY:

Hugh A. Fudge  
Hugh A. Fudge, OBA# 20487  
Robinson, Hoover & Fudge, PLLC  
119 N. Robinson Ave., Suite 1000  
Oklahoma City, OK 73102  
(405) 232-6464 | (405) 232-6363 fax  
lawmail@rhfok.com

\*\*\*\*\*ATTENTION: COURT CLERK\*\*\*\*\*

PLEASE HAVE THIS PUBLISHED IN OKLAHOMA WEEKLY GROUP, A NEWSPAPER OF GENERAL CIRCULATION AUTHORIZED BY LAW TO PUBLISH LEGAL NOTICE ONE DAY A WEEK FOR THREE (3) CONSECUTIVE WEEKS. THE ANSWER DATE MUST BE AT LEAST FORTY-ONE (41) DAYS FROM THE DATE OF FIRST PUBLICATION. PLEASE NOTIFY THIS OFFICE IF YOU CANNOT SEND THIS FOR PUBLICATION.



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

AUTO ADVANTAGE FINANCE, LLC )  
vs. Plaintiff, )  
vs. )  
KIMBERLY AMBUR ROSS and )  
ALEXANDER JOSEPH ROSS )  
Defendants. )  
)  
)  
)  
)  
)  
No. CS-2020-5574

DISTRICT COURT  
**FILED**

DEC - 9 2020

ATTORNEY'S AFFIDAVIT OF DUE DILIGENCE

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

STATE OF OKLAHOMA )  
COUNTY OF OKLAHOMA ) ss.  
)

I, Hugh H. Fudge, state as follows:

1. I am an attorney of record for the plaintiff in the above-styled case.
2. Our firm unsuccessfully attempted to effect service of this lawsuit upon the defendants by personal delivery, however plaintiff has received verification that the defendants no longer reside at the defendants' last known addresses.
3. Our firm utilized the following electronic databases in an attempt to locate an alternative serviceable addresses for the defendants:
  - a. A national database for residential addresses
  - b. A local database of utility accounts
  - c. A local database of real property ownership
  - d. The Oklahoma State Court Network
4. These searches failed to produce any alternative serviceable addresses for the defendants.
5. In accordance with 12 O.S. 2004(C)(3), we have served notice of this lawsuit on the defendants by publication because with due diligence we have been unable to effect service upon the defendants by any other method.

In accordance with 12 O.S. § 426, I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct. I execute this affidavit on this day, December 03, 2020, at 119 N. Robinson Ave., Suite 1000, Oklahoma City, Oklahoma.



Hugh H. Fudge, OBA# 20487



# TULSA WORLD

P.O. Box 1770 Tulsa, Oklahoma 74102-1770 | [tulsaworld.com](http://tulsaworld.com)

Account Number

1047274

ROBINSON HOOVER & FUDGE  
119 N. ROBINSON, SUITE 1000  
OKLAHOMA CITY, OK 73102

DISTRICT COURT  
FILED

JAN 15 2021

December 27, 2020

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

Date	Category	Description	Ad Size	Total Cost
12/27/2020	Legal Notices	CS-20-5574/ROSS	1 x 62.00 CL	112.84

## Affidavit of Publication

680058  
Published in the Tulsa  
World, Tulsa County,  
Oklahoma, December 13,  
20 & 27, 2020

IN THE DISTRICT COURT  
OF TULSA COUNTY  
STATE OF OKLAHOMA

AUTO ADVANTAGE FI-  
NANCE, LLC

Plaintiff,

VS.

KIMBERLY AMBUR ROSS  
and ALEXANDER JOSEPH  
ROSS

Defendants.

No. CS-2020-5574

### NOTICE BY PUBLICATION

Kimberly Ambur Ross and  
Alexander Joseph Ross, you  
are hereby noticed that you  
have been sued by Auto Ad-  
vantage Finance, LLC and  
you must answer plaintiff's  
petition on or before the 6th  
day of February, 2021 or a  
money judgment in the  
amount of \$8,497.49 plus in-  
terest will be rendered ac-  
cordingly.  
(seal)

DON NEWBERRY  
COURT CLERK

Dated this day 12-9-2020

By:/s/ J. Olmstead  
DEPUTY COURT CLERK  
FOR TULSA COUNTY  
DISTRICT COURT CLERK

APPROVED BY:  
/s/ Hugh H. Fudge  
Hugh H. Fudge, OBA# 20487  
Robinson, Hoover & Fudge,  
PLLC  
119 N. Robinson Ave.,  
Suite 1000  
Oklahoma City, OK 73102  
(405) 232-6464  
(405) 232-6363 fax  
lawmail@rhfok.com

I, Brenda Brumbaugh, of lawful age, am a legal  
representative of the Tulsa World of Tulsa, Oklahoma, a daily newspaper of  
general circulation in Tulsa County, Oklahoma, a legal newspaper qualified  
to publish legal notices, as defined in 25 O.S. § 106 as amended, and  
thereafter, and complies with all other requirements of the laws of  
Oklahoma with reference to legal publication. That said notice, a true copy  
of which is attached hereto, was published in the regular edition of said  
newspaper during the period and time of publication and not in a supplement,  
on the DATE(S) LISTED BELOW

12/13, 12/20, 12/27/2020

Newspaper reference: 0000680058

Brenda Brumbaugh  
Legal Representative

Sworn to and subscribed before me this date: 12-28-20

Elizabeth Hailey Conner  
Notary Public

My Commission expires

OCT. 13, 2024

ELIZABETH HAILEY CONNER  
NOTARY PUBLIC - STATE OF OKLAHOMA  
MY COMMISSION EXPIRES OCT. 13, 2024  
COMMISSION # 20012672

Q



\* 1 0 5 2 1 8 3 6 2 9 \*

DISTRICT COURT  
FILED

APR 19 2022

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

AUTO ADVANTAGE FINANCE, LLC

)

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

Plaintiff,

)

vs.

)

KIMBERLY AMBUR ROSS and  
ALEXANDER JOSEPH ROSS

) No. CS-2020-5574

) Judge Kirsten Pace

Defendants.

)

)

)

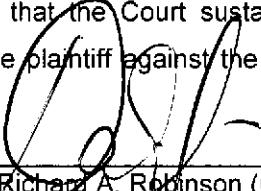
)

**MOTION TO ENTER DEFAULT JUDGMENT WITHOUT NOTICE**

**COMES NOW** plaintiff and moves this Court to enter default judgment in favor of the plaintiff against the defendants. In support thereof, plaintiff respectfully shows the Court as follows:

1. Pursuant to 12 O.S. § 2004, the defendants were served with plaintiff's summons and petition.
2. Pursuant to 12 O.S. § 2012, the defendants have not communicated with plaintiff, appeared in open court or entered an appearance by filing a pleading, motion or other document and are therefore in default.
3. Pursuant to *Rule 10 of the Oklahoma District Court Rules*, "notice of taking default is not required where the defaulting party has not made an appearance", and therefore no notice is required for entry of default judgment.

**WHEREFORE**, plaintiff respectfully requests that the Court sustain plaintiff's motion to enter default judgment and enter a judgment in favor of the plaintiff against the defendants as prayed for in plaintiff's petition.

  
Richard A. Robinson (OBA# 7684)

Hugh H. Fudge (OBA# 20487)

Dani L. Schinzing (OBA# 32113)

Emily R. Remmert (OBA# 22110)

Sean A. Nelson (OBA# 30194)

Robinson, Hoover & Fudge, PLLC

119 N. Robinson Ave., Suite 1000

Oklahoma City, OK 73102

(405) 232-6464 | (833) 342-0001 Toll Free

lawmail@rhfok.com | (405) 232-6363 fax

Attorneys for Plaintiff



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

AUTO ADVANTAGE FINANCE, LLC

Plaintiff,  
vs.

KIMBERLY AMBUR ROSS and  
ALEXANDER JOSEPH ROSS

Defendants.

) No. CS-2020-5574

) Judge Civil Special

DISTRICT COURT  
FILED

DEC 07 2022

DON NEWBERRY, Court Clerk  
STATE OF OKLAHOMA

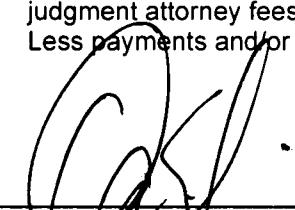
Journal Entry of Default Judgment

NOW on this 28th day of Nov., 2022 the Court, having conducted a judicial inquiry into the sufficiency of plaintiff's search to determine the names and whereabouts of the defendants who were served herein by publication, and based on the evidence adduced the Court finds that plaintiff has exercised due diligence and has conducted a meaningful search of all reasonably available sources at hand. The Court approves the publication service given herein as meeting both statutory requirements and the minimum standards of state and federal due process. The Court further finds the defendants are in default, and plaintiff is entitled to judgment as prayed for in plaintiff's petition. The Court further finds that the plaintiff has complied with the Servicemembers' Civil Relief Act of 2003, 50 U.S.C. App. 501 et seq.

IT IS ORDERED by the Court that the plaintiff is hereby awarded judgment against the defendants as follows:

1. Principal.....	\$8,497.49
2. Attorney fees.....	\$1,275.00
3. Costs.....	\$401.98
4. Interest through February 15, 2022 (20.88 % from March 13, 2020).....	\$3,422.14
5. All further prejudgment interest until the date judgment is rendered	
6. Post judgment interest as set forth in 12 O.S. § 727.1 from the date judgment is rendered and all post judgment attorney fees & costs allowed by state statute	
7. Less payments and/or adjustments credited during these proceedings.....	\$0.00

  
W.L. Palmer  
JUDGE OF THE DISTRICT COURT 11-28-22

  
Richard A. Robinson (OBA# 7684)  
Hugh H. Fudge (OBA# 20487)  
Dani L. Schinzing (OBA# 32113)  
Emily R. Remmert (OBA# 22110)  
Sean A. Nelson (OBA# 30194)  
Robinson, Hoover & Fudge, PLLC  
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Oklahoma City, Oklahoma 73102  
(405) 232-6464 | (833) 342-0001 Toll Free  
lawmail@rhfok.com | (405) 232-6363 fax  
Attorneys for Plaintiff

\*\*\*\*\* ATTORNEY'S LIEN CLAIMED \*\*\*\*\*

0405-20-2445

\* 1 0 5 4 5 5 4 4 3 8 \*

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

AUTO ADVANTAGE FINANCE, LLC

Plaintiff,

vs.

KIMBERLY AMBUR ROSS and  
ALEXANDER JOSEPH ROSS

Defendants.

No. CS-2020-5574

DISTRICT COURT  
FILED

FEB 06 2023

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTYWAGE GARNISHMENT AFFIDAVIT

(12 O.S. §1172)

STATE OF OKLAHOMA

)

) ss.

COUNTY OF OKLAHOMA

)

I, Dani L. Schinzing, being duly sworn, states as follows:

1. I am the attorney for Plaintiff in the above-styled case;
2. ALEXANDER JOSEPH ROSS (XXX-XX-3855), Defendant in the above-styled case, is indebted to the plaintiff as follows:

\$10,374.47 Interest Bearing Balance

\$3,754.45 Interest at 20.88% per annum as of January 23, 2023

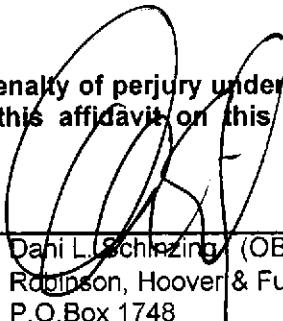
\$126.64 Court costs not included in the interest-bearing balance

\$100.00 Attorney fees not included in the interest-bearing balance

**\$14,355.56 Total Garnishment Amount**

3. I believe that PENSKE TRUCK LEASING CORPORATION is indebted to the Defendant or has property within the Garnishee's possession or control belonging to the Defendant, which is not by law exempt from seizure or sale upon execution;
4. I am seeking a continuing garnishment.

In accordance with 12 O.S. § 426, I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct. I execute this affidavit on this day, January 23, 2023, in Oklahoma City, Oklahoma.



Dani L. Schinzing (OBA #32113)  
Robinson, Hoover & Fudge, PLLC  
P.O. Box 1748  
OKLAHOMA CITY, OK 73101  
(405) 232-6464 | (405) 232-6363 fax  
lawmail@rhfok.com  
Attorney for Plaintiff



\* 1 0 5 4 5 6 4 9 6 4 \*

AUTO ADVANTAGE FINANCE LLC

Plaintiff/Judgment Creditor,

vs.

ALEXANDER J ROSS

Defendant/Judgment Debtor,

and

PENSKE LOGISTIC LLC

Garnishee

)

)

)

Case No. CS20205574

DISTRICT COURT  
FILED

MAR 28 2023

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTYContinuing Garnishee's Answer/Affidavit

**YOU (GARNISHEE) ARE REQUIRED TO FILE THIS ORIGINAL ANSWER WITH THE COURT CLERK IN THE COUNTY WHERE THIS MATTER IS FILED.**

COURT CLERK'S ADDRESS: 500 SOUTH DENVER AVE TULSA COUNTY COURTHOUSE TULSA, OK

State of Oklahoma  
County of TULSA

)

SS

I, \_\_\_\_\_, (garnishee or individual answering on behalf of garnishee), in  
answer to a garnishment summons served on the 03/07/2023, and having knowledge of the  
facts, hereby swear or affirm:

● **If Garnishee is an individual:**

That garnishee is an individual, whose full legal name is  
and that garnishee does business under the name of \_\_\_\_\_

● **If Garnishee is a Partnership:**

That garnishee is \_\_\_\_\_, a partnership composed of the following  
persons:

● **If Garnishee is a Corporation:**

That garnishee is PENSKE LOGISTIC LLC, a corporation, organized under the laws  
of the state of \_\_\_\_\_, and the official title of the person answering on behalf of  
garnishee is \_\_\_\_\_

1. At the time of the service of the garnishment summons, or upon the date it became effective, the garnishee was  
not indebted to the defendant for any amount of money nor did the garnishee have possession or control of any  
property, money, goods, chattels, credits, negotiable instruments or effects belonging to the defendant or in  
which the defendant had an interest because the employee/individual/judgment debtor was: (Please check  
appropriate response)

[  ] Not Employed Debtor's Status: TERMINATED  
[  ] Employed but no amounts due--specify reason:

Status Date: 02/25/2023

[  ] Other, specify:  
\* Employer Note\*

Filed a petition in bankruptcy court.

2. At the time of service of the garnishment summons or upon the date it became effective, the garnishee was  
indebted to the defendant or had possession or control of the following property, money, goods, chattels, credits,  
negotiable instruments or effects belonging to the defendant as follows: (Please check appropriate response)

[  ] Earnings as shown on the attached Calculation for Garnishment of Earnings Form which is  
incorporated by reference into this answer;  
[  ] Other, specify:

3. [ ] Nothing has been withheld due to a prior garnishment or continuing garnishment.

See attached if applicable.

4. On , the garnishee mailed a copy of the Notice of Garnishment & Exemptions and Application for Hearing by first-class mail to the judgment debtor at:

Address 2500 HOLMES  
City YPSILANTI  
State MI Zip 48198

Date Mailed

Or, hand delivered the same to defendant at:

Defendant

Place

**Note: This must be done during each pay period in which the garnishment is in effect.**

5. The garnishee makes the following claim of exemption on the part of the defendant, or has the following objections, defenses, or setoffs to plaintiff's right to apply garnishee's indebtedness to defendant upon plaintiff's claim:

Check here [ ] if additional pages are necessary.

By: *Sue Henry*  
Title: SR Payroll Operations Manager

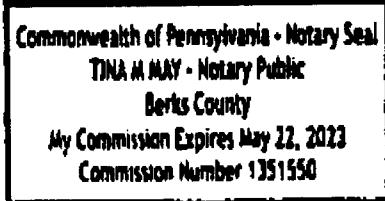
03/08/2023  
Date

Subscribed and sworn to before me this day: 03/08/2023

My Commission Expires: 05/22/2023

*Tina M. May*

Notary Public



Note: A continuing garnishment remains in effect until one of the following occurs: (1) the judgment is vacated, modified or paid in full; (2) the summons is dismissed; or (3) 180 days from the effective date of the summons have elapsed. If a pay period begins within 180 days but ends after the expiration, the pay period is subject to the garnishment. See 12 O. S §1173.4.



\* 1 0 5 6 8 2 9 3 5 6 \*

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

AUTO ADVANTAGE FINANCE, LLC )  
vs. Plaintiff, )  
KIMBERLY AMBUR ROSS and )  
ALEXANDER JOSEPH ROSS )  
Defendants. )  
No. CS-2020-5574  
D  
F

**DISTRICT COURT  
FILED  
JAN 30 2024**

**WAGE GARNISHMENT AFFIDAVIT**  
(12 O.S. §1172)

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

STATE OF OKLAHOMA )  
COUNTY OF OKLAHOMA )  
 ) SS.

I, Dani Schinzing, being duly sworn, states as follows:

1. I am the attorney for Plaintiff in the above-styled case;
2. ALEXANDER JOSEPH ROSS (XXX-XX-3855), Defendant in the above-styled case, is indebted to the plaintiff as follows:

### \$10,601.11 Interest Bearing Balance

\$5,943.64 Interest at 20.88% per annum as of January 19, 2024

\$126.64 Court costs not included in the interest-bearing balance

\$100.00 Attorney fees not included in the interest-bearing balance

**\$16,771.39 Total Garnishment Amount**

3. I believe that DAIMLER TRUCK NORTH AMERICA LLC is indebted to the Defendant or has property within the Garnishee's possession or control belonging to the Defendant, which is not by law exempt from seizure or sale upon execution;
4. I am seeking a continuing garnishment.

In accordance with 12 O.S. § 426, I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct. I execute this affidavit on this day, January 19, 2024, in Oklahoma City, Oklahoma.

Dan Schmitz (OBA #32113)  
Robinson, Hoover & Fudge, PLLC  
P.O.Box 1748  
OKLAHOMA CITY, OK 73101  
(405) 232-6464 | (405) 232-6363 fax  
lawmail@rhfok.com  
Attorney for Plaintiff



3. [ ] Nothing has been withheld due to a prior garnishment or continuing garnishment.  
See attached if applicable.

4. On 02/22/2024, the garnishee mailed a copy of the Notice of Garnishment & Exemptions and Application for Hearing by first-class mail to the judgment debtor at:

Address 16677 INKSTER RD  
City TAYLOR  
State MI Zip 48180  
Date Mailed 02/22/2024

Or, hand delivered the same to defendant at:

Defendant

Place

**Note: This must be done during each pay period in which the garnishment is in effect.**

5. The garnishee makes the following claim of exemption on the part of the defendant, or has the following objections, defenses, or setoffs to plaintiff's right to apply garnishee's indebtedness to defendant upon plaintiff's claim:

Check here [ ] if additional pages are necessary.

*Michele Breey*  
By:  
Title: Manager HR Service Center

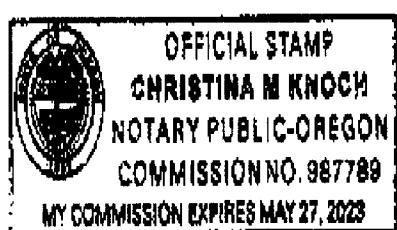
03/07/2024  
Date

Subscribed and sworn to before me this day: 03/07/2024

My Commission Expires: 05/27/2023

*Christina M Knoch*

Notary Public



Note: A continuing garnishment remains in effect until one of the following occurs: (1) the judgment is vacated, modified or paid in full; (2) the summons is dismissed; or (3) 180 days from the effective date of the summons have elapsed. If a pay period begins within 180 days but ends after the expiration, the pay period is subject to the garnishment. See 12 O. S §1173.4.

### **Defendant's Pay period**

1(a) Enter the present day period of defendant (*weekly, biweekly, semi-monthly, or other*). If other, please describe: **WEEKLY**

1(b) Enter the date the defendant's present pay period began (*"present pay period" means the pay period for which this garnishment calculation is made*) **02/26/2024**

1(c) Enter the date the defendant's present pay period ends **03/03/2024**

### Defendant's Earnings

2(a)	Enter the defendant's gross earnings for the entire pay period	1,043.40
	Deductions from gross earnings as required by law:	
i.	Federal income tax withholding	
ii.	FICA income tax withholding	
iii.	State income tax withholding	
2(b)	TOTAL Deductions- (2(b) is the total of i, ii, and iii)	201.04
2(c)	Subtract 2(b) from 2(a). This is Defendant's Net Earnings	842.36

**Available Garnishment Percentage**

3(a)	If Defendant is NOT subject to child support garnishment or income assignment, SKIP to line 3(d) and enter 25%. Otherwise, enter 25% here.	<u>25.00%</u>
3(b)	Enter the percentage of defendant's income being withheld for child support garnishment &/or income assignment.	0.00
3(c)	Subtract line 3(b) from 3(a) and enter percentage. <i>If line 3(b) is more than line 3(a), enter -0-.</i>	25.00
3(d)	Enter the lesser of 25% or line 3(c). <i>If NO child support garnishment or income assignment, enter 25% here.</i> This is the available garnishment percentage. If line 3(d) is -0-, skip to line 6 and enter -0-(there are no available funds for the plaintiff).	25.00

## Garnishment Calculation

4	Multiply the percentage in 3(d) times the net earnings in 2(c)	210.59
	Multiply the present federal minimum hourly wage as follows for the defendant's pay period (Minimum wage x multiplier below)	
	Weekly by 30 Bi-weekly by 60	
	Semi-monthly by 65 Monthly by 130	
5(a)	For any other pay period, increase the multiple for a weekly pay period using the assumption that a month contains 4 1/3 weeks.	217.50
5(b)	Subtract line 5(a) from line 2(c). <i>If line 5(a) is more than 2(c), enter -0-</i>	624.86
6	<b>GARNISHMENT AMOUNT</b> -Enter the lesser of line 4 or line 5(b). Pay this amount to the attorney for plaintiff, or to plaintiff if not represented by an attorney. If -0-, then there are no available funds for plaintiff.	210.59

**Original Answer:** When completed, Garnishee must mail each original answer and calculation form to the Clerk of the District Court, at the county courthouse where this matter is filed. An answer and calculation form is required for each pay period which is subject to the continuing earnings garnishment.

**Payment:** Garnishee must send a check for the amount garnished with a copy of Garnishee's answer and calculation form to the attorney for plaintiff, or to the plaintiff if there is no attorney (check one box and show the address used in the mailing):  Attorney for Plaintiff  Plaintiff

Address: PO BOX 1748 OKLAHOMA CITY, OK 73101-1748